

EC3JWASC

Conference

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

S3 11 Cr. 605 RJS

5 RANDY WASHINGTON, a/k/a
6 Sealed Defendant 1,

7 Defendant.

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10 December 3, 2014
11 10:55 a.m.

13 Before:

14 HON. RICHARD J. SULLIVAN,

15 District Judge

17 APPEARANCES

19 PREET BHARARA,
20 United States Attorney for the
21 Southern District of New York
22 TELEMACHUS PHILIP KASULIS,
23 CHRISTOPHER JOSEPH DiMASE,
24 Assistant United States Attorneys

23 DAVID ANDREW GORDON,
24 IRA LONDON,
25 Attorneys for defendant Washington

(In open court)

(Case called)

THE COURT: Good morning to you, Mr. Washington.

THE DEFENDANT: Good morning.

THE COURT: We are here for sentencing. We had a conference on Monday that was designed to address the issue of the government's offer. Mr. London was appointed before Thanksgiving to provide sort of a second opinion to Mr. Washington with respect to the government's offer, which was to basically withdraw or to dismiss the second 924 (c) count which has a 25-year-mandatory-consecutive sentence. Mr. Washington had indicated he was not inclined to take that offer because it involved a requirement that he waive certain appellate rights.

Nonetheless, I think I decided it couldn't hurt and might be useful to have another lawyer, Mr. London, appointed for the purpose of just conferring and consulting with Mr. Washington concerning this offer. So the purpose of Monday's conference was to see whether or not Mr. Washington wished to take the offer or not after having had a chance to consult with Mr. London.

I was advised on Monday by the Marshal's Service Mr. Washington refused to come out of his cell, refused to come to court. So I wanted to just first, now that Mr. Washington is here, figure out what did happen on Monday, Mr. Gordon?

1 MR. GORDON: Mr. Washington advises he was ill.

2 THE COURT: What was the nature of the illness?

3 MR. GORDON: He was throwing up.

4 THE COURT: All right. Okay. Look, if that is the
5 case, Mr. Washington, if that is the case in the future, it is
6 best to let your lawyers know if you can contact them.

7 We had a conference on Monday in which we just
8 discussed the offer. Mr. London represented to me that he had
9 met with you and discussed with you the offer made by the
10 government and that you were still not inclined to take that
11 offer if it involved the waiving of certain appellate rights.

12 I want to make sure that that is, in fact, your
13 position. You had a chance to walk with Mr. London?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you feel you had enough time to discuss
16 with him --

17 THE DEFENDANT: Yes.

18 THE COURT: -- this offer the government has made?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you feel you now are comfortable making
21 a decision with respect to that offer?

22 THE DEFENDANT: No.

23 THE COURT: Well, I don't think I asked the question
24 well. So let me just say, have you reached a decision as to
25 whether or not you want to take that offer?

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1 THE DEFENDANT: Yeah, I don't want to take it.

2 THE COURT: You do not want to take that offer?

3 THE DEFENDANT: No.

4 THE COURT: Do you understand the government's offer
5 involved them withdrawing or dismissing the second gun count
6 that carries with it a 25-year-mandatory-consecutive sentence,
7 and so if the government were to withdraw that or dismiss that
8 conviction, then the maximum -- well, the mandatory sentence I
9 would have to impose would be 25, but not more than 25. Do you
10 understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: By turning down this deal, you understand
13 that the government will then not dismiss the 25-year-mandatory
14 consecutive count, which means the lowest that I can sentence
15 you to is 50 years. Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: I don't frankly wish to sentence you to 50
18 years. If left to my own devices, I wouldn't, but I will have
19 no choice. I will have no choice but to impose a sentence of
20 50 years or at least 50 years as a result of your turning down
21 this plea. Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. Let me ask the government, are
24 there any other questions you would like me to ask
25 Mr. Washington?

1 MR. KASULIS: I don't think so. I have one point of
2 clarification. When initially we had these discussions with
3 Mr. Washington's counsel about our willingness to nolle, to
4 dismiss the second consecutive 924 (c) count, we indicated that
5 we expected the guidelines range for the remaining counts to
6 match that in the PSR, leaving out the 25-year-consecutive
7 penalty that would be eliminated in the proposed deal.

8 As we went back through the PSR to prepare for
9 sentencing, we realized, of course, the two-level drug
10 reduction across the board applies to Mr. Washington, so the
11 guidelines range for the offer, although it wasn't a formal
12 offer on paper, but the discussion is slightly off.

13 It still sounds like Mr. Washington does not want to
14 take the deal which involves the dismissal of the
15 25-year-consecutive-mandatory penalty. I want to make that
16 clear, the guidelines range would be slightly different.

17 THE COURT: We'll talk about the guidelines in a
18 moment. It seems to me the mandatory minimums and consecutives
19 are what are driving the sentences here.

20 MR. KASULIS: Yes.

21 THE COURT: And driving the determinations. Let me
22 ask Mr. London or Mr. Gordon, is there anything else you would
23 like me to ask Mr. Washington?

24 MR. LONDON: Not for me.

25 THE COURT: Mr. Gordon?

1 MR. GORDON: No, your Honor.

2 THE COURT: Let me ask the government, I guess on
3 Monday I asked the government to at least consider whether this
4 was the right thing, as that term is very generally used, and
5 so we had a somewhat lengthy discussion about the wisdom and
6 justice of a sentence of 50 years on these facts. I asked the
7 government to consider whether the waiver of appellate rights
8 was really an essential component to its decision to dismiss
9 the second 924 (c) count.

10 Mr. Kasulis?

11 MR. KASULIS: Again, your Honor, we went back and
12 discussed this matter with people in the office above my level,
13 the Chief of the Criminal Division, Deputy United States
14 Attorney. Their view and ours, the government's view is that
15 it is an important part of every, literally every negotiated
16 resolution that my office does.

17 If Mr. Washington wants to take the position that
18 those rights that he wants to keep, which he is obviously
19 entitled to do, if he wants to take the position that those
20 rights to him are worth not reducing his sentence by 25 years,
21 we understand, but we don't want to get in a position of making
22 an exception to the rule that every negotiated disposition we
23 have involves the same agreement.

24 One of the provisions of that agreement is the
25 forfeiture of appellate rights. As your Honor knows, it is not

1 even a forfeiture of appellate rights with regard to
2 ineffective assistance of counsel. That is not carved out.

3 THE COURT: You're not carving it out. It is not a
4 waivable right.

5 MR. KASULIS: I don't want to make it sound like the
6 government's largess. If this is the concern he has or had in
7 the past, he would be able to make that claim on appeal or on
8 collateral attack. It is the balance of whatever appellate
9 rights and collateral attack rights he is interested in
10 pursuing he is deciding is worth the 25-year risk.

11 THE COURT: Right. You are also deciding that it is
12 worth it to have Mr. Washington spend an extra 25 years in jail
13 rather than alter a policy that normally has people waiving
14 appellate rights as part of a plea agreement. The normal
15 policy is not to dismiss counts of conviction after a trial.
16 The decision to do that was based on the somewhat unusual
17 circumstances of what appears to be an unjust or certainly
18 overly long sentence given the conduct here and given what the
19 original plea offer was.

20 So it would seem to me, not that I am in a position to
21 tell you what to do, but it would seem to me this rigid
22 adherence to policy is not terribly persuasive in a situation
23 that is unique enough to prompt the office to alter its usual
24 policy with respect to post-conviction relief?

25 MR. KASULIS: As you can imagine, we see it slightly

1 differently. We are actually abandoning our standards policy
2 of respecting jury verdicts in order to make this offer to him
3 in the first place.

4 THE COURT: That is because there is a conclusion that
5 a 50-year sentence is unwarranted, and that is a conclusion
6 prosecutors should make, and get to make, frankly have an
7 obligation to make. It was a decision that was made early on
8 when you decided that a 10-year offer was appropriate in light
9 of the conduct.

10 So, look, we have been over this a couple of times,
11 but I'm not sure that there's great consistency in the position
12 that says we agree that 50 years is too long, but it is only
13 too long if you give up your appellate rights.

14 MR. KASULIS: That is sort of what we do in every plea
15 disposition in the first place. We offer someone what we
16 believe is a reasonable offer, with the understanding if they
17 go to trial, the sentencing exposure will be much more severe
18 customarily, and as a part of that plea agreement in every
19 other case, we require the defendant to forfeit his appellate
20 rights.

21 THE COURT: You should talk to the Attorney General on
22 this. I can't imagine so great is the policy enunciated with
23 respect to prior felony informations is completely distinct and
24 divorced from a policy that would require somebody to do 50
25 years because they didn't take a plea deal, or they wouldn't

1 waive appellate rights.

2 There is a tension there. I would love to ask the
3 Attorney General if I get an opportunity, but I can't imagine
4 that he would say no, no, I am fine with that because although
5 851s trouble me, stacking 924 (c)s to punish people for going
6 to trial and not waiving appellate rights is hunky-dory. That
7 doesn't seem to jibe.

8 MR. KASULIS: I hear what you're saying completely.

9 It has been clear from the Attorney General's
10 memoranda addressing these issues that at least so far -- and
11 it might change -- he is distinguishing quite clearly drug
12 conduct from violent conduct. This is a defendant who engaged
13 in multiple armed robberies pistol-whipped victims, trafficked
14 in AK-47s in addition to drug conduct.

15 THE COURT: Don't get me wrong, I get that.

16 You offered him 10 years for that, and so I think the
17 question you ought to be asking the Attorney General is having
18 offered 10 before trial, are you okay with us requiring 50 when
19 he wouldn't take the deal and 50 because he won't waive certain
20 appellate rights? Is that in line with the philosophy that
21 seems to be underlying his position on 851, prior felony
22 informations? It seems to me not.

23 Should I adjourn sentencing and ask you to ask him? I
24 don't know that I can or should do that. My hunch is he is
25 soon to be the ex-Attorney General and he won't look with pride

1 on what you guys are doing today.

2 MR. KASULIS: All I can say is we followed to the best
3 of our ability the Attorney General's memoranda which addressed
4 the drug laws. We have the nolle for the prior felony
5 information here for your Honor's consideration, as we said we
6 would on Monday.

7 The Attorney General has not addressed violent conduct
8 like this. In his memoranda on drug conduct, he said we
9 shouldn't even consider going down from a (b)(1)(A) to
10 (b)(1)(B) in the drug context when someone's conduct touches
11 upon violence. Mr. Washington's conduct here really is violent
12 conduct.

13 THE COURT: I get that. There is no way I will give
14 him 10. You offered him 10. There is no way I would have
15 given him that. I don't know what you guys were thinking. I
16 wouldn't have given him that as the sentencing judge.

17 You offered him 10. Having offered him 10, and having
18 him turn it down, and you then decided that 50 was the right
19 mandatory sentence, I just think that is inconsistent with the
20 Attorney General's position. It is not that you had to offer
21 him that. Having offered that, it seems that the 50 is really
22 designed to punish going to trial. It is not designed to
23 punish conduct that is really bad conduct, but you didn't think
24 it needed to be punished with more than 10.

25 MR. KASULIS: I would have to disagree again.

1 The 10-year offer, as your Honor knows, arises out of
2 a variety of considerations. One is, of course, the conduct.
3 That is the most important aspect of the calculus that leads to
4 the offer. Another is the assessment of the trial risk. This
5 became a case with only a single cooperator essentially putting
6 Mr. Washington --

7 THE COURT: Don't! This is was an incredibly strong
8 case. The defendant was on tape talking openly about his drug
9 activity on a phone that he knew was monitored from Rikers
10 Island. There was strong evidence in this case.

11 He has a right to go to trial, and maybe
12 Mr. Washington hoped or believed that the cooperator would not
13 be believed and that the jury would have trouble on at least
14 some of the counts. I don't know. There are a lot of reasons
15 why people go to trial.

16 It is hard for me to believe that you thought you had
17 40 years worth of risk that made a 10-year deal a good one, but
18 that otherwise 50 years is what justice would have required.
19 The disparity is too great. It is one thing to say we offered
20 him 10 before trial because there was risk, but having gone to
21 trial, he has to take his lumps and do 20, that is something
22 that wouldn't phase me.

23 When it goes all the way to 50, that is really kind of
24 shocking.

25 MR. KASULIS: I understand your Honor's concern which

1 is why, as you know, we have tried to create this package for
2 Mr. Washington that would allow it to come down to 25. It is
3 just we are trying to treat Mr. Washington as we would every
4 other defendant who is engaged in a negotiated disposition in
5 this case, and he is not willing to do it.

6 THE COURT: You haven't tried him like every other
7 defendant in part or primarily because you have recognized this
8 is a case that is unlike most other cases. To your credit, I
9 think that this is a case where a 50-year sentence would be
10 unjust. I think a 40-year sentence would also be unjust,
11 although less unjust.

12 MR. KASULIS: I can tell your Honor the precedential
13 value of attempting to or willing to dismiss the second
14 consecutive 924 (c), we knew that would have consequences, and
15 it is already starting to, as you can imagine. Defense
16 attorneys are e-mailing the office and saying we want the Randy
17 Washington deal, we want you guys --

18 THE COURT: This is not happening in a vacuum. Judge
19 Gleason has written on this in several cases eloquently and
20 spoken on this subject. There are other districts around the
21 country where there is a recognition of the stacking of gun
22 counts without intervening arrests or convictions can result in
23 incredibly Draconian sentences that are at least in many cases
24 unjust. There is nothing wrong with saying that, taking that
25 long view of things. Prosecutors should be commended for doing

1 that. The fact that other people may say I want you to take a
2 look at the second 924 (c), yes, second 924 (c), you know, big
3 deal.

4 MR. KASULIS: I agree.

5 THE COURT: That doesn't strike me as a terribly
6 onerous burden on the government as a result of this plea
7 offer.

8 MR. KASULIS: I agree. That is not what I was trying
9 to say. The second point against that backdrop, if we went
10 further with Mr. Washington and said in addition to being
11 willing to not drop the 924 (c) count, we are not going to make
12 you use the same plea agreement we use in every other case,
13 that, too, will --

14 THE COURT: There are cases in which you forego a 924
15 (c), you forego a prior felony information for someone who
16 doesn't even plea to a plea agreement. There are cases where
17 that happens. I have seen them. I think it is inaccurate to
18 say everybody has to take this deal or the world will end as we
19 know it. Different cases require different adjustments and
20 different responses.

21 This strikes me as a rare case in which the mandatory
22 sentence is something that is beyond what is appropriate given
23 the particular circumstances of this case. Mr. Washington, his
24 youth, you know, the sentence that is going to be imposed in
25 any event, it is not like I was going to give him two and the

1 government had to carry something. I am not a push-over when
2 it comes to these things. I am generally considered to be a
3 reasonably tough sentencer when the facts warrant it.

4 As I said, I can't imagine I was ever going to
5 sentence Mr. Washington for less than 20 years for the conduct
6 he engaged in.

7 MR. KASULIS: Your Honor well knows to the extent this
8 became a precedent, we are willing to nolle after a trial, a
9 guilty finding, dismiss the 924 (c) and not require the
10 defendant to enter into the standard form plea agreement, this
11 will occur in front of all the other judges in the Southern
12 District.

13 I take your Honor's point about your own sentencing
14 practices typically. As your Honor knows, there is a wide
15 variety of sentencing practices in the Southern District, and
16 our office has to be mindful of that.

17 THE COURT: I don't think either of us is going to
18 persuade the other. I don't know that I have the authority to
19 tell you to bring this up to the Attorney General. This has
20 been raised to the U.S. Attorney who is a
21 presidentially-appointed officer. I think there is only so
22 much I can do. Mr. Gordon, Mr. London, is there anything else
23 you would like to say?

24 MR. GORDON: Your Honor, I know that Mr. Washington is
25 anxious to be sentenced. If there is any chance the government

1 would take it another level up to the Attorney General, I would
2 think hopefully the Attorney General is as reasonable as you
3 are and more reasonable than the government is being and would
4 see that this is just too much. I would have no objection and
5 actually request a brief adjournment if they would do that. I
6 know Mr. Washington wants to get on with this case.

7 With respect to his refusal to accept the government's
8 offer, as I said before, I know your Honor is not going to
9 revisit it, but it is my view that given the chances at trial,
10 given what the original offer was, the only way he was going to
11 do better than that offer was to win every count, was to win
12 the entire case. That would seem so unlikely that his refusal
13 to accept the offer then, his refusal to accept this now would
14 be based upon some hope that he could win on appeal and get a
15 new trial.

16 I think that is again unrealistic or that maybe get a
17 new trial, but the hope he would do better at a new trial seems
18 to me totally unrealistic and is based upon his cognitive
19 impairment, which I know and I think that further psychological
20 evaluation and a hearing might very well determine that he was
21 not, he was not competent and is still not competent.

22 THE COURT: All right. You have drifted into a
23 different point, which is something I have already ruled on,
24 and I am pretty confident in my ruling with respect to
25 Mr. Washington's competence.

1 We can question his judgment, but I don't think that
2 is the same as questioning his competence. I have already
3 ruled on that. I think the issue is whether or not I can or
4 should direct the government to raise this to a cabinet level
5 official, the Attorney General of the United States. I don't
6 think I have the authority to order them to do that.

7 I suppose I could ask them to consider it on these
8 unique circumstances, but that might be something they can
9 handle with a phone call because I don't think Mr. Kasulis,
10 notwithstanding his lofty position now as a unit chief, gets to
11 make these calls for his office.

12 MR. KASULIS: I do not have a hotline to the Attorney
13 General. If Mr. Washington is asking us to do that, and your
14 Honor is interested in our trying to explore that, we can try
15 to do it. I want to make sure Mr. Washington gets as much
16 process as he can. I don't want to be the limiting factor.

17 THE COURT: Let's do this. Mr. Washington, I know you
18 wish to be sentenced today. That has been conveyed to me. Is
19 that accurate? You want to be sentenced today; is that right?

20 THE DEFENDANT: Yes.

21 THE COURT: I am inclined to very respectfully ask the
22 government to at least inquire as to whether they're willing to
23 bring this to the attention of the Attorney General or other
24 responsible involved in his policymaking with respect to 851
25 prior felony informations, to see if there is a tension between

1 that policy and the position being taken in this case. I say
2 that with some hesitation because I don't think judges can or
3 should be directing prosecutors to just go all the way up a
4 chain. If that were the case, then the entire system could
5 grind to a halt. I think this is a case that is unique or rare
6 in my experience and it is one that we spent a lot of time
7 thinking about.

8 The extra time for a phone call or two is probably not
9 going to kill us. Mr. Gordon, did you want to say something?

10 MR. GORDON: If it turns out they can't make that
11 decision quickly enough or not reach the Attorney General, if
12 the matter were adjourned briefly, I would have 14 days from
13 the date the judgment is filed to file my notice of appeal. I
14 will file it sooner than that, so there is no prejudice to
15 Mr. Washington by any delay.

16 THE COURT: Why don't we do this. You talk to
17 Mr. Washington about the potential consequences of a short
18 adjournment. The government can make a call or two to see if
19 there is any even prospect or possibility of an adjournment for
20 taking this higher, and then we'll reconvene in about 10
21 minutes, okay? If the government needs to make a call here,
22 they can, but you all have phones so you can. If you want to
23 use the jury room, you can do that, too.

24 (Recess).

25 THE COURT: Have a seat. We took a short adjournment

1 so that the lawyers could confer with their respective clients
2 and/or supervisors. So what did we learn?

3 MR. KASULIS: During the adjournment I spoke on the
4 phone with the Chief of the Criminal Division, the Deputy U.S.
5 Attorney and the U.S. Attorney about this situation. I
6 explained what had happened this morning and your Honor's
7 request for better term.

8 They said that it might make sense in an effort to try
9 to find a disposition in this case that will allow the court to
10 sentence Mr. Washington with only a 25-year-mandatory-minimum
11 sentence, to ask Mr. Washington -- not you -- but to find out
12 from Mr. Washington, through counsel, which issues in
13 particular he is interested in pressing on appeal before the
14 Second Circuit.

15 Then if we get that information, we can internally
16 determine whether we would be comfortable with carving out
17 those issues from our normal appellate waiver. They're just
18 concerned about a blanket appellate waiver where the kind of
19 frivolous argument can be made. If there are particular
20 arguments Mr. Washington wants to make, we can consider carving
21 that out. Under those circumstances, Mr. Washington might be
22 willing to sign a post-plea sentencing disposition agreement
23 which would allow us to nolle the 924 (c).

24 THE COURT: All right. So that may take a little bit
25 of time?

1 MR. KASULIS: We spoke about this potentiality with
2 Mr. Gordon and Mr. London right before your Honor took the
3 Bench. They were trying to think through some issues, but
4 obviously they need to speak about it with their client. They
5 probably also have to potentially review the record or speak to
6 Mr. Freeman since neither of these gentlemen tried the case and
7 have not spent long enough with the record to make that
8 determination on the fly.

9 THE COURT: Let me hear from Mr. Gordon to make sure
10 he has conferred with his client about this and his client is
11 on board.

12 MR. GORDON: I understand he is willing to have the
13 sentence adjourned. I think probably a week would be enough.
14 Again if we can't work something out, I would file a notice of
15 appeal more quickly than I might otherwise file,.

16 THE COURT: That is to allay Mr. Washington's concerns
17 of --

18 MR. GORDON: Right.

19 THE COURT: Mr. Washington, if we put this over a
20 week, you're okay with that?

21 THE DEFENDANT: Yes.

22 THE COURT: That seems to me to make sense. I will
23 say this. Look, each of us has an obligation to seek to do
24 justice. We're not unconstrained in that regard. Each of us
25 has different institutional and legal obligations and

1 restraints that sometimes limit our ability to do that, but we
2 each have to try to do justice as we understand the term within
3 the confines of our institutional roles.

4 It is true of defense lawyers, prosecutors and judges,
5 so I think it is a good thing that we'll try to discuss this a
6 little longer that people are at least open to considering ways
7 toward what would ultimately be a just or more just sentence.

8 So I commend the government for at least considering
9 this, and I ask Mr. Washington and his lawyers to think
10 carefully about how you want to proceed and what is most
11 important to Mr. Washington going forward. That being said, it
12 is Mr. Washington's call ultimately whether and what he wants
13 to do on this.

14 MR. GORDON: Yes, your Honor. I would hope that
15 during this week the government would consider your suggestion
16 that they try to speak to Mr. Holder also.

17 THE COURT: Look, the reality is there are good people
18 in the U.S. Attorney's Office. They understand Mr. Holder's
19 policies and the reasons for them better than I do. I think
20 they, I am sure, are reluctant to be running things up to the
21 Attorney General every time a judge or a defendant or his
22 lawyer are not happy with the result of the decision-making
23 process within the U.S. Attorney's Office.

24 I am not suggesting, I am not ordering, I am not
25 demanding that this go to Mr. Holder. I asked the government

1 to consider whether there really is a tension between Mr.
2 Holder's stated positions and the positions being articulated
3 today with respect to the District's policy with respect to the
4 waiver of appellate rights. It seems to me there was a
5 tension.

6 It is the kind of thing I am sure reasonable people
7 can disagree about. Look, if the government wants to do that,
8 they can. I am not ordering them to do it or requesting any
9 more than what I have said. I have said a lot in this case,
10 and it is simply because I take my role seriously, as I know
11 all of you do, too. That is the most that I am prepared to ask
12 is that everybody really think long and hard about what role
13 they play in this process and what would be a just sentence
14 within the confines in which we work, which is Congressionally
15 passed and Presidentially signed statutes and mandatory
16 minimums and everything else we have been talking about for
17 months and years.

18 So think about it. Let me know where we're at, but
19 I'll pick a date for sentencing next week.

20 MR. GORDON: Would the 12th be possible? I will have
21 to confer with Mr. Freeman.

22 THE COURT: We probably could do the 12th, at 2:00
23 o'clock, I think.

24 THE CLERK: Yes.

25 THE COURT: All right. 2:00 o'clock on Friday,

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1 December 12th.

2 MR. KASULIS: Yes, your Honor.

3 THE COURT: Mr. Washington, that is okay with you?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: It is a little more than a week, but there
6 are a number of things that need to happen before then. So
7 let's plan on December 12th, at 2:00 o'clock, and then that
8 will be it. That will be it.

9 MR. LONDON: I asked Mr. Washington if he wanted me to
10 continue, and he said yes.

11 THE COURT: All right, so you'll continue. That date
12 works for you as well, Mr. London?

13 MR. LONDON: It does.

14 THE COURT: Good.

15 (Off-the-record discussion)

16 THE COURT: All right. Thanks, everybody. I am sorry
17 that this is getting delayed further, but I think in the long
18 run an extra week or so is a small price to pay for some
19 additional time to consider what is a difficult case. It is a
20 difficult set of facts and circumstances and it is obviously an
21 important case for Mr. Washington and for the government. I
22 get that. All right. Thanks. Thank you to the Court Reporter
23 and the Marshals as well.

24 (Court adjourned)

25